

NOTICE OF TEXT

[Authority G.S. 150B-21.2(c)]

OAH USE ONLY

VOLUME:

ISSUE:

CHECK APPROPRIATE BOX:

- ☒ Notice with a scheduled hearing
☐ Notice without a scheduled hearing
☐ Republication of text. Complete the following cite for the volume and issue of previous publication, as well as blocks 1 - 4 and 7 - 13. If a hearing is scheduled, complete block 5.
Previous publication of text was published in Volume: Issue:

1. Rule-Making Agency:

Private Protective Services Board

2. Link to agency website pursuant to G.S. 150B-19.1(c):

www.NCDPS.gov/PPS

3. Proposed Action -- Check the appropriate box(es) and list rule citation(s) beside proposed action:

☐ ADOPTION:

☐ READOPTION with substantive changes:

☐ READOPTION without substantive changes:

☒ AMENDMENT: 14B NCAC 16 .0807; 14B NCAC 16 .0809; 14B NCAC 16 .0901; 14B NCAC 16 .0904

☐ REPEAL:

4. Proposed effective date: February 1, 2016

5. Is a public hearing planned? ☒ Yes ☐ No

If yes: **Public Hearing date:** Friday, October 16, 2015

Public Hearing time: 2:00 pm

Public Hearing Location: 4901 Glenwood Ave., Suite 200, Raleigh, NC 27612

6. If no public hearing is scheduled, provide instructions on how to demand a public hearing:

FILED
2015 SEP -4 PM 3:47
OFFICE OF ADMIN HEARINGS

7. Explain Reason For Proposed Rule(s): The Board is authorized by statute to approve any firearm carried by registered armed security guards in North Carolina. The Board voted to approve a rifle, in addition to specified handguns and a shotgun, for carry. These rules amend the existing rules for firearms training to implement the new rifle authorization.

8. Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission. If the Rules Review Commission receives written and signed objections in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

☐ Rule(s) is automatically subject to legislative review. Cite statutory reference:

9. The person to whom written comments may be submitted on the proposed rule(s):

Name: Anthony Bonapart

Address: 4901 Glenwood Ave., Suite 200
Raleigh, NC 27612

Phone (optional): (919) 788-5320 x 218

Fax (optional): (919) 788-5365

E-Mail (optional): anthony.bonapart@ncdps.gov

10. Comment Period Ends: November 30, 2015

11. Fiscal impact (check all that apply).

If this form contains rules that have different fiscal impacts, list the rule citations beside the appropriate impact.

- ☐ State funds affected
- ☐ Environmental permitting of DOT affected
Analysis submitted to Board of Transportation
- ☐ Local funds affected
- ☐ Substantial economic impact (\geq \$1,000,000)
- ☐ Approved by OSBM
- ☒ No fiscal note required by G.S. 150B-21.4
- ☒ No fiscal note required by G.S. 150B-21.3A(d)(2)

12. Rule-making Coordinator: Jeffrey P. Gray

Address: Post Office Box 1351
Raleigh, NC 27602

Phone: (919) 828-0731

E-Mail: jgray@bdixon.com

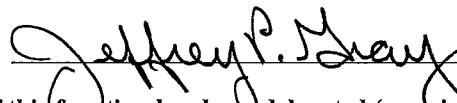
Agency contact, if any: Anthony Bonapart, Deputy Director

Phone: (919) 788-5320 x 218

E-mail: anthony.bonapart@ncdps.gov

13. The Agency formally proposed the text of this rule(s) on
Date: August 27, 2015

14. Signature of Agency Head* or Rule-making Coordinator:



*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name:

Title:

14B NCAC 16 .0807 is proposed for amendment as follows:

14B NCAC 16 .0807 TRAINING REQUIREMENTS FOR ARMED SECURITY GUARDS

(a) Applicants for an armed security guard firearm registration permit shall first complete the basic unarmed security guard training course set forth in Rule .0707 of this Chapter.

(b) Private investigator licensees applying for an armed security guard firearm registration permit shall first complete a four hour training course consisting of the courses set forth in Rule .0707(a)(1) and (2) of this Chapter and all additional training requirements set forth in that Rule.

(c) Applicants for an armed security guard firearm registration permit shall complete a basic training course for armed security guards which consists of at least 20 hours of classroom instruction including:

- (1) legal limitations on the use of handguns and on the powers and authority of an armed security guard, including familiarity with rules and regulations relating to armed security guards (minimum of four hours);
- (2) handgun safety, including range firing procedures (minimum of one hour);
- (3) handgun operation and maintenance (minimum of three hours);
- (4) handgun fundamentals (minimum of eight hours); and
- (5) night firing (minimum of four hours).

(d) Applicants for an armed security guard firearm registration permit shall attain a score of at least 80 percent accuracy on a firearms range qualification course adopted by the Board and the Secretary of Public Safety, a copy of which is on file in the Director's office. Should a student fail to attain a score of 80 percent accuracy, the student will be given three additional attempts to qualify on the course of fire they did not pass. Failure to meet the qualification after three attempts shall require the student to repeat the entire Basic Training Course for Armed Security Guards. All additional attempts must take place within 20 days of the completion of the initial 20 hour course.

(e) All armed security guard training required by this Chapter shall be administered by a certified trainer and shall be completed no more than 90 days prior to the date of issuance of the armed security guard firearm registration permit.

(f) All applicants for an armed security guard firearm registration permit must obtain training under the provisions of this Section using their duty weapon and their duty ammunition or ballistic equivalent ammunition, to include lead-free ammunition that meets the same point of aim, point of impact, and felt recoil of the duty ammunition, for all weapons.

(g) No more than six new or renewal armed security guard applicants per one instructor shall be placed on the firing line at any one time during firearms range training.

(h) Applicants for re-certification of an armed security guard firearm registration permit shall complete a basic recertification training course for armed security guards which consists of at least four hours of classroom instruction and is a review of the requirements set forth in Subparagraphs (c)(1) through (c)(5) of this Rule. The recertification course is valid for 180 days after completion of the course. Applicants for recertification of an armed security guard firearm registration permit shall also complete the requirements of Paragraph (d) of this Rule.

(i) An armed guard currently registered with one company may be registered with a second company. Such registration shall be considered "dual." The registration with the second company shall expire at the same time that the registration expires with the first company. An updated application shall be required, along with the digital photograph, updated criminal records checks and a forty dollar (\$40.00) registration fee. If the guard will be carrying a ~~weapon~~ firearm of the same ~~make and model~~ make, model and caliber then no additional firearms training is required. The licensee shall submit a letter stating the guard will be carrying the same make and model ~~weapon~~ firearm. If the guard will be carrying a ~~weapon~~ firearm of a different make and model, the licensee shall submit a letter to the Board advising of the ~~make and model~~ make, model and caliber, of the ~~weapon~~ firearm the guard will be carrying and the guard shall be required to qualify at the firing range on both the day and night qualification course. The qualification score is valid for 180 days after completion of the course.

(j) To be authorized to carry a standard 12 gauge shotgun in the performance of his or her duties as an armed security guard, an applicant shall complete, in addition to the requirements of Paragraphs (a), (c) and (d) of this Rule, ~~four~~ six hours of classroom training which shall include the following:

- (1) legal limitations on the use of ~~shotguns~~ shotgun (minimum of one hour);
- (2) shotgun safety, including range firing ~~procedures~~ procedures (minimum of one hour);
- (3) shotgun operation and ~~maintenance~~ maintenance (minimum of one hour);
- (4) ~~shotgun fundamentals~~ fundamentals; (minimum of two hours); and
- (5) night firing (minimum of one hour).

(k) An applicant may take the additional shotgun training at a time after the initial training in this Rule. If the shotgun training is completed at a later time, the shotgun certification shall run concurrent with the armed registration permit.

1 In addition to the requirements set forth in Paragraph (j) of this Rule, applicants shall attain a score of at least 80
2 percent accuracy on a shotgun range qualification course adopted by the Board and the Secretary of Public Safety, a
3 copy of which is on file in the Director's office.

4 (l) Applicants for shotgun recertification shall complete ~~an additional~~ one hour of classroom training as covering the
5 topics set forth in Paragraph (j) of this Rule and shall also complete the requirements of Paragraph ~~(k)~~ (d) of this
6 Rule.

7 (m) To be authorized to carry a rifle in the performance of his or her duties as an armed security guard, an applicant
8 shall complete, in addition to the requirements of Paragraphs (a), (c) and (d) of this Rule, 16 hours of classroom
9 training which shall include the following:

10 (1) legal limitations on the use of rifles (minimum of one hour);

11 (2) rifle safety, including range firing procedures (minimum of one hour);

12 (3) rifle operation and maintenance (minimum of two hours); and

13 (4) rifle fundamentals (minimum of ten hours); and

14 (5) night firing (minimum two hours).

15 (n) The applicant must pass a skills course that tests each basic rifle skill and the test of each skill must be completed
16 within three attempts.

17 (o) An applicant may take the additional rifle training at a time after the initial training in this Rule. If the rifle
18 training is completed at a later time, the rifle certification shall run concurrent with the armed registration permit. In
19 addition to the requirements set forth in Paragraphs (m) and (n) of this Rule, applicants shall attain a score of at least
20 80 percent accuracy on a rifle range qualification course adopted by the Board and the Secretary of Public Safety, a
21 copy of which is on file in the Director's office.

22 (p) Applicants for rifle recertification shall complete an additional one hour of classroom training as covering the
23 topics set forth in Paragraph (m) of this Rule and shall also complete the requirements of Paragraph (d) of this Rule.

24 ~~(m)~~ (r) Applicants for an armed security guard firearm registration permit who possess a current firearms trainer
25 certificate shall be given, upon their written request, a firearms registration permit that will run concurrent with the
26 trainer certificate upon completion of an annual qualification with their duty weapons as set forth in Paragraph (d) of
27 this Rule.

28 ~~(n)~~ (q) The armed security officer is required to qualify annually both day and night. If the security officer fails to
29 qualify on either course of fire, the security officer cannot carry a the firearm until such time as he or she meets the
30 qualification requirements. Upon failure to qualify the firearm instructor must notify the security officer that he or
31 she is no longer authorized to carry a the firearm and the firearm instructor must notify the employer and the Private
32 Protective Services Board staff on the next business day.

33
34 *History Note: Authority G.S. 74C-5; 74C-13;*

35 *Eff. June 1, 1984;*

36 *Amended Eff. November 1, 1991; February 1, 1990; July 1, 1987;*

37 *Temporary Amendment Eff. January 14, 2002;*

38 *Amended Eff. October 1, 2013; October 1, 2010; June 1, 2009; February 1, 2006; August 1, 2002;*

39 *Transferred and Recodified from 12 NCAC 07D .0807 Eff. July 1, 2015;*

40 *Amended Eff. February 1, 2016.*

1 14B NCAC 16.0809 is proposed for amendment as follows:
2

3 **14B NCAC 16.0809 AUTHORIZED FIREARMS**

4 Armed licensees or registrants are authorized, while in the performance of official duties or traveling directly to and
5 from work, to carry a standard revolver from .32 caliber to .357 caliber, a standard semi-automatic pistol from .354
6 caliber to .45 caliber, or any standard 12 gauge shotgun, or any standard semi-automatic or boltaction .223 or 5.56 X
7 45 mm NATO caliber rifle as long as the licensee or registrant has been trained pursuant to Rule .0807 of this
8 Section. For purposes of this Section, a "standard" firearm means a firearm that has not been modified or altered
9 from its original manufactured design.
10

11 *History Note: Authority G.S. 74C-5; 74C-13;*

12 *Eff. June 1, 1984;*

13 *Amended Eff. January 1, 2015; June 1, 1993; November 1, 1991; July 1, 1987;*

14 *Transferred and Recodified from 12 NCAC 07D .0809 Eff. July 1, 2015;*

15 *Amended Eff. February 1, 2016.*

1 14B NCAC 16. 0901 is proposed for amendment as follows:

2
3 **14B NCAC 16 .0901 REQUIREMENTS FOR A FIREARMS TRAINER CERTIFICATE**

4 (a) Firearms trainer applicants shall:

- 5 (1) meet the minimum standards established by Rule .0703 of this Chapter;
- 6 (2) have a minimum of one year of supervisory experience in security with a contract security company or
- 7 proprietary security organization, or one year of experience with any federal, state, county or municipal law
- 8 enforcement agency;
- 9 (3) attain a 90 percent score on a firearm's prequalification course approved by the Board and the Attorney
- 10 General, with a copy of the firearm's course certificate to be kept on file in the administrator's office;
- 11 (4) to teach handgun qualification, complete a training course approved by the Board and the Secretary of
- 12 Public Safety, which shall consist of a minimum of 32 hours of classroom and practical range training in
- 13 handgun and shotgun safety and maintenance, range operations, night firearm training, control and safety
- 14 procedures, and methods of handgun and shotgun firing;
- 15 (5) to teach shotgun or rifle qualification, complete a training course approved by the Board and the
- 16 Secretary of Public Safety which shall consist of a minimum of 24 hours of classroom and practical range
- 17 training in shotgun and rifle safety and maintenance, range operations, night firearm training, control and
- 18 safety procedures, and methods of shotgun and rifle firing;
- 19 (6) pay the certified trainer application fee established in Rule .0903(a)(1) of this Section; and
- 20 (7) successfully complete the requirements of the Unarmed Trainer Certificate set forth in Rule .0909 of
- 21 this Section.

22 (b) The applicant's score on the prequalification course set forth in Subparagraph (a)(3) of this Rule is valid for 180

23 days after completion of the course.

24 (c) In lieu of completing the training course set forth in Subparagraph (a)(4) of this Rule, an applicant may submit to

25 the Board a current Criminal Justice Specialized Law Enforcement Firearms Instructor Certificate from the North

26 Carolina Criminal Justice Education and Training Standards Commission.

27 (d) In lieu of Subparagraphs (a)(2) and (4) of this Rule, an applicant may establish to the Board's satisfaction a

28 military occupational specialty and two years of verifiable experience within the past five years in the U.S. Armed

29 Forces as a firearms instructor.

30 (e) All applicants subject to Paragraphs (c) and (d) of this Rule shall comply with the provisions of Subparagraph

31 (a)(3), pay the application amount as set forth in Rule .0903 of this Section, and complete the eight hour course

32 given by the Board on rules and regulations.

33 (f) In addition to the requirement of Section .0200 of this Chapter, an applicant for a firearms trainer certificate who

34 is the spouse of an active duty member of the U.S. Armed Forces shall establish to the Board's satisfaction that:

- 35 (1) the spouse holds a current license, certification, or registration from another jurisdiction and the other
- 36 jurisdiction's requirements are substantially equivalent to or exceed the Board's requirements; and
- 37 (2) the spouse has two years of verifiable experience within the past five years as a firearms instructor.

38 (g) A Firearms Trainer Certificate expires two years after the date of issuance.

39

40 *History Note: Authority G.S. 74C-5; 74C-9; 74C-13; 93B-15.1;*

41 *Eff. June 1, 1984;*

42 *Amended Eff. July 1, 2014; October 1, 2013; December 1, 2008; January 1, 2008; August 1, 2004;*

43 *November 1, 1991;*

44 *Transferred and Recodified from 12 NCAC 07D .0901 Eff. July 1, 2015;*

45 *Amended Eff. February 1, 2016.*

14B NCAC 16 .0904 is proposed for amendment as follows:

14B NCAC 16 .0904 RENEWAL OF A FIREARMS TRAINER CERTIFICATE

(a) Each applicant for renewal of a firearms trainer certificate shall complete a renewal form provided by the Board. This form shall be submitted not less than 30 days prior to the expiration of the applicant's current certificate and shall be accompanied by:

(1) certification of the successful completion of a firearms trainer refresher course approved by the Board and the Attorney General consisting of a minimum of eight hours of classroom and practical range training in ~~handgun and shotgun~~ safety and maintenance of the applicable firearm (i.e. handgun, shotgun or rifle), range operations, control and safety procedures, and methods of ~~handgun and shotgun~~ firing. This training shall be completed within 180 days of the submission of the renewal application;

(2) a certified statement of the result of a criminal records search from the appropriate governmental authority housing criminal record information or clerk of superior court in each county where the applicant has resided within the immediately preceding 48 months and if any address history contains an out of state address, a criminal record check from the reporting service designated by the Board pursuant to G.S. 74C-8.1(a);

(3) the applicant's renewal fee; and

(4) the actual cost charged to the Private Protective Services Board by the State Bureau of Investigation to cover the cost of criminal record checks performed by the State Bureau of Investigation, collected by the Private Protective Services Board.

(b) Members of the armed forces whose certification is in good standing and to whom G.S. 105-249.2 grants an extension of time to file a tax return are granted that same extension of time to pay the certification renewal fee and to complete any continuing education requirements prescribed by the Board. A copy of the military order or the extension approval by the Internal Revenue Service or by the North Carolina Department of Revenue must be furnished to the Board.

*History Note: Authority G.S. 74C-5; 74C-8.1(a); 74C-13;
Eff. June 1, 1984;
Amended Eff. January 1, 2013; October 1, 2010; June 1, 2009; December 1, 1995; December 1, 1985;
Transferred and Recodified from 12 NCAC 07D .0904 Eff. July 1, 2015;
Amended Eff. February 1, 2016.*